

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Where the Application of

Edwin S. TWIGG

Attn: Initial Patent Examination Division

Application No.: 09/084,263

RECEIVED

MAR 09 1999

Filed: June 3, 1998

Docket No.: 100745

TECHNOLOGY CENTER 3700

For: A FIBRE REINFORCED METAL ROTOR

**RESPONSE TO NOTICE OF TERMINATION OF PROCEEDINGS, PETITION FOR
WITHDRAWAL OF HOLDING OF ABANDONMENT AND PETITION FOR
ORIGINAL FILING DATE**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant received the attached Notice of Termination of Proceedings Under 37 C.F.R. 1.53(c), dated January 19, 1999. The Notice indicates that the above-identified application has not been accepted for examination, and that proceedings with respect to the application have been terminated. In a telephone call to the Initial Patent Examination Division on December 22, 1999, Applicant's undersigned attorney was informed that the application has been marked as abandoned.

In response, Applicant respectfully submits that the Notice has been issued in error, and that the application has been improperly abandoned by the Patent Office. Because all of the respective filing requirements have been satisfied, Applicant respectfully submits that the holding of abandonment should be withdrawn, and that the application should be accorded its original filing date of June 3, 1998.

I. The Complete Application Papers Have Been Filed

Applicant respectfully submits that all filing requirements have been fulfilled, and particularly that the entire application, including specification, claims, Abstract and four

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Petition
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4/16/99
H. Jones

sheets of drawings (Figs. 1-6), was filed along with an executed Declaration/Power of Attorney, Assignment Transmittal with executed Assignment, Preliminary Amendment, Information Disclosure Statement with eleven references and a foreign search report, Claim for Priority with two priority documents, and Conditional Permit on June 3, 1998, along with all of the required filing and assignment recordation fees. Because this application is subject to a secrecy order, containing subject matter that is classified "RESTRICTED" by a defense agency of the United Kingdom, the entire packet was hand-carried to the Licensing and Review Branch on June 3, 1998. Attached hereto is a copy of the date-stamped postcard indicating receipt of these papers by the Licensing and Review Branch of the Patent Office.

Since that initial filing on June 3, 1998, Applicant has received two separate Notifications of Incomplete Application, mailed on June 25, 1998, and on October 6, 1998, respectively. Applicant responded to both of these notices by filing Responses on July 2, 1998, and December 7, 1998, respectively. Each of these Responses included a copy of the originally-filed application including specification and claims, Declaration/Power of Attorney, and related documents. Again, because the application is subject to a secrecy order, each of the Responses was hand-carried to the Licensing and Review Branch. Attached hereto are copies of the date-stamped postcards indicating receipt of these papers by the Licensing and Review Branch of the Patent Office.

II. The Patent Office Has Confirmed That the Application is Complete

On two separate occasions, Applicant's undersigned attorney has confirmed with the Patent Office that all of the application filing requirements have been fulfilled. In particular, on July 29, 1998, Applicant's undersigned attorney discussed this case with personnel from the Licensing and Review Branch. Applicant's attorney was informed that although the entire application had been filed, only the filing particulars had been forwarded to the Initial Patent

Application Division for preparation of the file jacket. Because the application contained classified material, the application papers themselves were not forwarded to the Initial Patent Application Division.

Second, on January 22, 1999, Applicant's undersigned attorney spoke with Ms. Bradshaw of the Licensing and Review Branch. Ms Bradshaw again explained that the entire application had been filed, but that the status of the application was still being clarified with the Initial Patent Application Division. Applicant's attorney was informed that Ms. Delora Dillard of the Initial Patent Application Division was aware of this situation.

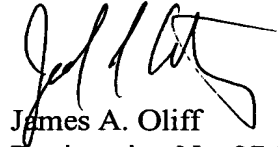
III. The Holding of Abandonment Should Be Withdrawn

In view of the above facts, Applicant respectfully submits that the holding of abandonment and termination of proceedings are improper, and should be withdrawn. Applicant respectfully submits that the application should be reinstated to pending status, should be accorded the original June 3, 1998, filing date, and that in view of the delay its processing through the Patent Office should be expedited.

The Notice of Termination further indicates that the original filing fee of \$834 is being credited to the attorney's deposit account, less a \$130 processing fee. Applicant respectfully submits that the filing fee was properly paid, should not be credited to the deposit account, and that any processing fee should not be charged. If these transactions have already been made, the Commissioner is hereby authorized to redebit the filing fee, and recredit the processing fee, to Deposit Account No. 15-0461. The Commissioner is further authorized to charge any fee (or credit any overpayment) associated with this communication to Deposit Account No. 15-0461. Two duplicate copies of this paper are attached.

Should there be any questions regarding this matter, the Patent Office is respectfully requested to telephone Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Joel S. Armstrong
Registration No. 36,430

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

| |
|--|
| <p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p> |
|--|

Attachments:

Notice of Termination of Proceedings
June 3, 1998, Stamped Postcard
July 2, 1998, Stamped Postcard
December 7, 1998, Stamped Postcard

cc: Ms. Bradshaw, Licensing and Review Branch



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|
|--------------------|---------------------|-----------------------|---------------------------|

09/084,263 06/03/98 TWIGG E 100745

0212/0119

OLIFF & BERRIDGE
PO BOX 19928
ALEXANDRIA VA 22320

NOT ASSIGNED

DATE MAILED: 0000


NOTICE OF TERMINATION OF PROCEEDINGS UNDER 37 CFR 1.53(c) 01/19/99

Proceedings on the above-identified application number are terminated.

The application did not comprise a complete application; therefore, it was not accepted for examination.

The applicant failed to timely submit the omissions identified in the Notice mailed on 10-6-98.

The \$ 834 fee submitted with the application less a \$130.00 handling fee will be refunded or credited to your deposit account.


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PTO RECEIPT FOR FILING OF PAPERS

The following papers have been filed:

HAND CARRY: LICENSING & REVIEW/OFFICE OF PETITIONS

SECOND RESPS TO NOT. OF INCOMPLETE APPLN AND PET FOR ORIGINAL FILING DATE W/CCS OF NOTICE OF INCOMPLETE APPLN; NOTICE TO FILE MISSING PTS; 7/3 POSTCARD; 6/2/98 POSTCARD; SPEC., DEC/POWER OF ATTRNY

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DEC 07 1998

LICENSING & REVIEW

Name of Applicant: Edwin S. TWIGG

Serial No.: 09/084,263

Atty. File No.: 100745

Title (New Cases): A FIBRE REINFORCED METAL ROTOR

Sender's Initials: JAO/JSA:amw

Page 27, line 27

PATENT OFFICE DATE STAMP

**COPY TO BE STAMPED BY PATENT OFFICE
AND RETURNED BY MESSENGER**

INSTRUCTIONS TO DOCKET CLERK

The following papers
have been filed:

HAND CARRY - LICENSING & REVIEW BRANCH

RESPONSE TO NOTIFICATION OF INCOMPLETE APPLICATION AND
PETITION FOR ORIGINAL FILING DATE; NOTICE OF INCOMPLETE
APPLICATION (COPY); DUPLICATE ORIGINAL SPECIFICATION &
DECLARATION & POSTCARD

Description of Paper:

Name of
Applicant: Edwin S. TWIGG

Serial No.: 09/084,263

Atty. File No.: 100745

Title (New Cases):

Sender's Initials: JAO/JSA:amw

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JUL 02 1998

LICENSING & REVIEW

INSTRUCTIONS TO DOCKET CLERK

The following papers
have been filed:

HAND CARRY - LICENSING & REVIEW BRANCH

NEW U.S. SEC. APPLN. (16 pgs. - SPEC/CLMS(22)/ABS.;
EXE. DEC/POA; FIGS. 1-6 (4 SHEETS); CK#59884, \$834;
ASSGT. TRAN. W/EXE. ASSGMT. & CK#59885, \$40; PRAMD; IDS
W/EP SEARCH REPORT, 11 REFS; CFP W/2 PD; CON. PERMIT

Description of Paper:

Name of
Applicant: Edwin Stephen TWIGG

Serial No.: NEW U.S. SECURITY APPLN.

Atty. File No.: 100745

Title (New Cases): A FIBRE REINFORCED METAL ROTOR

Sender's Initials: JAO/JSA:amw

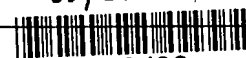
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JUN 03 1998

LICENSING & REVIEW

65705 U.S. PTO

09/084263



06/03/98